

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS SHELLEY,

Petitioner,

v.

ORDER

08-cv-647-bbc

MICHAEL J. LECHLEITNER, RANDELL
HOENISCH, GARY A. SCHNECK,
DETECTIVE MILHAUSEN, GRAUDEN,
CHAD BILLEB, TROY PAULS, JENNY
HOLZ, CAPTAIN SLEETER, VERCIMACK,
OFFICER GOFF, DEPUTY SCHEFFLER,
ANDY BUSS, MICHAEL WILLIAMS,
UNKNOWN REGION SIX AGENT(S),
CHRISTOPHER L. WITHERS and his AGENT,
and his AGENT'S SUPERVISOR, COUNTY OF
MARATHON, LANCE LEONHARD, ROBERT
DICKMAN and JOHN WALLACE,

Respondents.

In an order entered in this case on November 7, 2008, I told petitioner that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement so that I could assess an initial partial payment of the \$350 fee for filing this case. Petitioner has submitted the requested statement. From the statement, I

have calculated petitioner's initial partial payment to be \$1.40. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$1.40 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account any amount up to the full amount petitioner owes.

ORDER

IT IS ORDERED that petitioner is assessed \$1.40 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$1.40 on or before December 11, 2008. If, by December 11, 2008, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court

is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 20th day of November, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge